

## Safety Steering Committee (SSC) Meeting September 28, 2010

### Attendance:

<b>Office of Administration (OA)</b>	✓ ✓ ✓	Cathy Biggs-Silvers, Associate Deputy Assistant Secretary for Administration  Laura Brown-Lucas, Staff Assistant  Gerald Winston, Fire/Safety Officer, VA Central Office	<b>Occupational Safety and Health (OSH)</b>	✓ ✓ ✓ ✓ ✓	Frank Denny, Director  Ruth Grubb, Program Analyst  Luann Jenkins, Program Analyst  Henry Cleveland, Program Analyst  Ernise Benjamin, Management Assistant
<b>Veterans Canteen Service</b>	✓	Michael Rabdau, VHA Washington Liaison Officer  Kimberly Lutz, Veterans Canteen Service	<b>VA Austin Information Technology Center</b>	✓	Rocco DiFronzo, Manager, Enterprise Applications
<b>Veterans Benefits Administration</b>	✓	Leo Phelan, Director, Facilities, Access & Administration  Beverly Young, Facilities, Access & Administration  Raven Thompson, Facilities Access & Administration	<b>Veterans Health Administration</b>	✓ ✓ ✓	Joseph Williams, Assistant Deputy Under Secretary for Health for Operations and Management  John Beatty, Director, Safety & Technical Services  Dr. Michael Hodgson, Chief Consultant, Occupational Health, Safety & Prevention Strategic Healthcare Group  Vernon Wilkes, Industrial Hygienist
<b>National Cemetery Administration</b>	✓	Lindee Lenox, Acting Associate Director  John Thios, Safety/Occupational Health Program Manager	<b>Office of Information &amp; Technology</b>	✓	Jim Gilmer, VHA/CEOSH  Gary Shaffer, Director, IT Asset Management  Crystal Wiggins, Director, Employee/Labor Relations & HR Policy Development  William Vargas, Information Technology Specialist  Steven Garber, IT Specialist
<b>Labor Relations</b>	✓ ✓ ✓	William Ocker, AFGE, National Safety Representative  Kathy Fiery/Ronald Reynolds, NAGE, National Safety Representative  Jeff Shapiro, NFFE, Safety Representative  LeRoy Bauer, SEIU, Divisional President  Cathy Billiter, UAN, National Safety Representative			
<b>VACO HR/Labor Management Relations (LMR)</b>	✓	Larry Bennett, HR Specialist			
<b>Guests:</b>		John U. Sepúlveda, Assistant Secretary for Human Resources & Administration (HR&A)  Francis Yebesi, Director, Office of Federal Agency Programs, OSHA  Mikki Holmes, Program Analyst, Office of Federal Agency Programs, OSHA			



**Introduction:** Cathy Biggs-Silvers, Associate Deputy Assistant Secretary for Administration, called the meeting to order at 9:00 a.m., welcoming John U. Sepúlveda, Assistant Secretary for Human Resources and Administration (HR&A), Mr. Francis Yebesi, Director, Office of Federal Agency Programs, Directorate of Enforcement Programs, and Ms. Mikki Holmes, Program Analyst, Office of Federal Agency Programs, Occupational Safety and Health Administration (OSHA), Department of Labor (DOL).

**Approval of SSC Meeting Minutes:** A draft copy of the July 20, 2010, meeting minutes were sent to the committee for review and comments on September 23, 2010 along with the meeting material. Mr. Denny inquired about edits/corrections to the minutes. None of the committee members had edits or corrections. Frank Denny, Director, Office of Occupational Safety and Health (OSH), asked for a motion to approve the July 20, 2010, minutes.

William (B.J.) Ocker, National Safety Representative, American Federation of Government Employees (AFGE), made a motion to approve the minutes; John Beatty, Director, Safety and Technical Services, Veterans Health Administration (VHA), seconded the motion; the minutes are approved as written. The minutes will be taken out of draft following today's meeting and routed through for signature. Committee members will be provided a signed copy of the minutes on the VA Safety website as soon as all signatures are obtained.

**Announcements:**

- **Guest Speaker(s) Remarks:** Mr. Sepúlveda opened the meeting by informing the committee members of his dedication to safety and his attendance and participation at the upcoming Federal Advisory Occupational Safety and Health (FACOSH) meeting scheduled for October 21, 2010. Mr. Sepúlveda also stressed his support of the new presidential initiative, Protecting Our Workers and Ensuring Reemployment (POWER), and reiterated to the committee that they should work towards meeting the goals that are listed under POWER.

Mr. Yebesi conveyed to the committee that currently the Protecting America's Workers (PAW's) act is going through Congress. If this act is passed and hazards are found afterwards, then penalties can be issued to Federal agencies. For willful violations that lead to injuries, illnesses, and fatalities there is a ten-year penalty of imprisonment. The POWER initiative is also a human resources issue, Mr. Yebesi stated. If a fatality exists on the job it is a valuable human resource that is lost. Mr. Yebesi stated to the committee that this must be looked at in two perspectives: 1) loss to the family and 2) the financial burden that the taxpayer will bear due to the costs. Last year, 1.6 billion was paid by the Federal government in workers' compensation (WC) costs. Mr. Yebesi stated that if we can reduce this by 4% a year, which is the president's goal, then we are reducing many costs that are associated with this program.

Mr. Yebesi stated that we must also get back to conducting evaluations and utilizing a tool consistently during evaluations across the board.

A Severe Violators Enforcement Program has also been developed for private sector companies and federal agencies. This program focuses on agencies within an agency that may have numerous injuries and illnesses at their agency, which in turn, will target



the whole agency as a severe violator and therefore will open that particular agency up to OSHA inspections.

Ms. Holmes conveyed that POWER brings the four goals under the Presidential Safety, Health and Return to Employment (SHARE) initiative up-to-date and adds new goals. This initiative establishes FY 2009 as a baseline year to track federal agencies and modifies some of those goals and introduces three new goals for agencies to focus on. Under POWER, agencies can analyze their most common injuries and illnesses which would be an annual review submitted in the OSHA annual report. For workers' compensation, timely filing of wage loss claims has been added.

Under POWER, each executive department and agency will be expected to improve its performance in several goals that include:

- Goals 1 and 2 – to reduce total and lost time injury case rates. The agencies at or above the national average will have to have a minimum of 4% reduction in their total and lost time case rates. The agencies below the national average will have to have a minimum of 1% reduction in their total and lost time case rates.
- Goal 3 – to analyze lost time injury and illness data.
- Goal 4 – to increase the timely filing of Workers' Compensation forms (CA-1s and CA-2s) by 3% per year or meet the minimum filing percentage for the year. Minimum performance threshold starts at 65% for FY 2011 and rises by 5% per year. There is a clause in the goal where agencies exceeding 95% of timely filing rate will not be expected to improve.
- Goal 5 – to increase the timely filing of wage loss claim forms (CA-7s) to meet or exceed minimum annual thresholds. In FY 2011, all federal agencies are required to achieve a 60% timely filing. In the following years, the minimum thresholds will rise to 64%, 68%, and 70%.
- Goal 6 – to reduce lost production rates. Days lost due to workplace injuries or illness per 100 FTEs. This will be a reduction of 1% per year below the FY 2009 baseline or maintain a rate of 15 days or less.
- Goal 7 – to review re-employment for employees who sustain serious workplace injuries or illnesses. All federal agencies will be encouraged to improve their return-to-work percentages; under the initiative. Within a two-year period there will be an expectation of an improvement of 1% in FY 2011 and an additional 2% in each of the following three years over the FY 2009 baseline. This goal also encourages agencies to increase their hiring of persons with disabilities and particularly re-employment of federal employees injured on the job.



Ms. Holmes further stated that this initiative will begin October 1 at the beginning of the new FY 2010 year. Mr. Yebesi conveyed that one of the things he would like to do with re-employment is to encourage federal agencies to start looking more at their injury and illness recordkeeping because sometimes employees are reassigned because of an injury and this should be properly recorded. This is to ensure that employees are not returned to work too early.

Luann Jenkins, Program Analyst, Office of Occupational Safety and Health (OSH), inquired about where the lost time data and total case rate data are obtained.

Ms. Jenkins stated that during earlier discussion at the meeting, she heard Dr. Michael Hodgson, Chief Consultant, Occupational Health, Safety & Prevention Strategic Healthcare Group, VHA, state that the OSHA logs would be utilized. Ms. Jenkins conveyed that it is her understanding that the data being utilized is the data presented on the WC claims (CA-1 and CA-2 data). This is a concern since people are interpreting the extent of injury in relation to the lost production days which is the WC element and the extent of injury to determine the lost case rate, Ms. Jenkins stated. Ms. Holmes stated that under POWER, WC data will still be utilized. DOL OSHA does not have access to the 300 log except during inspections. Ms. Holmes stated that as they move into more evaluations and federal agency inspections, the OSHA logs will be reviewed on a more consistent basis. This will be to ensure agencies aren't redirecting employees to jobs that they are not capable of doing in order to meet Goal 7 under the POWER initiative. DOL OSHA is moving forward with rule change to allow OSHA to collect OSHA 300 log data from all federal agencies which will allow them to look at the actual data in terms of injury and illness rates. Ms. Jenkins stated that the National Cemetery Administration (NCA) is currently having a lost time claim rate of 4.5%. In reality, Ms. Jenkins stated, anyone that goes off their site after a day of injury is considered a lost time claim which is not the intent of what is being looked at for the extent of injury. Ms. Jenkins further stated that she would like to see DOL OSHA come up with something to send to the field to indicate when the extent of injury could be a lost time case rate or lost time claim. Ms. Holmes stated that DOL OSHA is bound to utilize WC data and cannot change the way WC claims are accessed.

**Assignment:** Ms. Holmes to further discuss this issue with Ms. Jenkins.

Michael Neusch, Federal (WC) Program Manager, Veterans Benefits Administration (VBA), stated that a footnote would be helpful to state that this is comprised of two things – one being continuation of pay (COP) and one being actual compensation since they are both very different.

Mr. Sepúlveda inquired about Best Practices that DOL OSHA currently has. Mr. Yebesi stated that DOL OSHA has a Safety and Health Achievement Recognition Program (SHARP) that is the standard. The basic requirements are in the 1989 guidelines that have certain expectations for safety and health management. SHARP includes four parts: 1) Management, Commitment, and Employee Involvement, 2) Hazard Identification and Correction, 3) Hazard Anticipation; and 4) Training. Mr. Sepúlveda inquired about training and further stated employees will not know to follow guidelines appropriately unless they receive the proper training.



Mr. Yebesi replied that he hoped FACOSH would provide the forum to further discuss these training concerns.

Mr. Ocker stated to the committee that this would be an ideal opportunity for labor unions to come together as well to get training opportunities out to the field. Mr. Yebesi informed the committee that FACOSH has 16 members that include 8 management representatives and 8 labor representatives. Mr. Ocker inquired about getting a list of the FACOSH members. Ms. Holmes informed Mr. Ocker that she will send him a list of the FACOSH members.

Mr. Denny informed the committee that the memorandum signed by the Secretary of Labor regarding the POWER initiative dated September 21 has the baselines for the federal agencies and departments along with the goals. This will also be on the OSHA website just as SHARE was, Mr. Denny stated. Ms. Holmes stated that statistics will still be provided for the sub-agencies but not the goals.

Mr. Sepúlveda conveyed that he would like this information distributed to the Under Secretaries and Assistant Secretaries regarding the new initiative to get their involvement in this. Mr. Denny stated that if the committee conveys this to their Administrations then that would be most helpful in getting the goals under POWER met.

Mr. Denny inquired about how it would be handled if a facility has violated an OSHA standard. Mr. Yebesi stated that if the congressional act passes citations would be issued in which federal agencies would be treated as a private sector. Penalties have been enhanced and abatement will be required whether the citation is contested or not. Mr. Denny inquired about CFR 1960.8 and whether fines would be associated with this. Mr. Yebesi informed the committee that only standards adopted by OSHA will be applied and citations will be issued only for those standards.

Dr. Hodgson asked about if a hospital is cited in one Veterans Integrated Services Network (VISN) and an inspection is done in a different hospital in that same VISN and findings indicate it is the same hazard is that known as a willful violation. Ms. Holmes stated that this would be considered a repeat violation instead. John Beatty, Director, Safety and Technical Services, VHA, inquired about what actions would be done if a facility takes a hit for a willful violation and a similar violation is found at another facility at the network. Mr. Yebesi stated that if a willful violation is issued the Designated Agency Safety and Health Official (DASHO) would be notified. Mr. Beatty stated that one of the practices VHA is doing now to prevent repeat violations is every quarter VHA goes out to the field to each network listing the OSHA violations they are aware of so the network can compare facilities within their own network to emphasize.

Mr. Ocker stated that maybe we need to look at incorporating this initiative into the annual workplace evaluation (AWE) process that will align with the new goals that were discussed under POWER. Mr. Beatty stated that if a VISN safety and health person is sent to look at the OSHA log to ensure everything is accurately reported at the end of the day those numbers still won't matter in regards to the goals. Mr. Denny stated that the data is OWCP data and that we need to emphasize proper coding of data to maximize reductions of injuries and illnesses.



➤ **Welcome Cynthia DeAngelo to the Occupational Safety & Health Office –**

Mr. Denny welcomed Cynthia DeAngelo, Program Analyst, Office of OSH, and explained to the committee that Ms. DeAngelo will work with safety and WC for now.

➤ **FY 2010 Agency Annual Report to OSHA (Attachment provided) –**

The OSHA call memorandum for the FY 2010 Annual Agency Report and attachments were sent to committee members on July 23<sup>rd</sup>. The Office of OSH will prepare the Department's call memorandum that will go to the under secretaries, assistant secretaries, and other key officials. The report is similar to last year's report except it has four new requirements which include:

- Submit a synopsis of the findings of your agency's FY 2010 self-evaluation, required by § 1960.79, and your agency's plans to implement any changes to its OSH program.
- For those agencies with Certified Safety and Health Committees (see 29 CFR Part 1960, Subpart F) provide a summary of the CSHC's activities during FY 2010. NOTE – Our department does not have any certified safety and health committees, thus, resulting in non-applicable for the VA.
- Describe how the agency incorporates the safety and health of its employees into its plans for emergency and/or disaster response, continuity-of-operations (COOP), etc.
- Provide information on the agency's compliance with E.O.s 13043 and 13513, along with efforts to eliminate the causes of distracted driving. Please include information on the agency's efforts to investigate motor vehicle mishaps to determine whether distracted driving was a factor.

Ruth Grubb, Program Analyst, Office of OSH, stated that each Administration will be required to completed the report template, as previously done, and more information will be forthcoming. Mr. John Thios, Safety/Occupational Health Program Manager, National Cemetery Administration (NCA), inquired about the due date of January 1, 2010 and if there will be an extension to this due date. Ms. Grubb replied that she was unaware of an extension and stated that most likely the call memorandum being prepared by the Office of OSH will request information from each Administration by the middle of November.

➤ **VHA's Director's Conference Call for September 3, 2010 (Attachment provided) –**

A copy of what was presented by Mr. Denny at the VHA conference call on September 3<sup>rd</sup> was provided to the committee as an attachment for information only.

➤ **Quarterly DASHO Conference Call – Wednesday, October 20, 2010 -**

The next DASHO conference call is scheduled for Wednesday, October 20<sup>th</sup>

Ms. Grubb informed the committee that Ms. Holmes will speak during the call about the OSHA Annual Report and conveyed to the committee that if there are other topics of interest to e-mail her or Mr. Denny regarding such topics.

**I. Review and Discuss Assignments**

- **VA Directive 7700, Occupational Safety and Health (Attachment provided) –**  
Assignment: The Office of OSH to coordinate a meeting with NCA leadership regarding the status of their safety program policy.

Discussion:

A meeting with NCA leadership was conducted on July 27<sup>th</sup>. A draft copy of NCA 7700 was provided to the committee for review on July 29<sup>th</sup> per VA Directive 7700. This assignment is now closed.

Mr. Thios reported that NCA 7700 is currently being reviewed by AFGE and a few additions were incorporated. Currently, NCA 7700 is at the stage of internal review within NCA. National Federation of Federal Employees (NFFE) will review the NCA 7700 as well. Mr. Ocker inquired about the bargaining negotiations. Larry Bennett, Human Resources (HR) Specialist, VA Central Office (VACO) HR/Labor Management Relations (LMR), informed Mr. Ocker that negotiations have been done and a meeting was conducted with the mid-term bargaining team.

Assignment: NCA to provide status update during the November meeting.

Discussion:

William Vargas, Information Technology Specialist, OI&T, reported that OI&T met with Ms. Grubb and Henry Cleveland, Program Analyst, Office of OSH, previously. Mr. Vargas further stated that a request was sent to Mr. Beatty to provide assistance with 7700 and provided facilities that OI&T is housed in. Mr. Beatty stated that he will get back to Mr. Vargas shortly regarding this request.

Assignment: OI&T to provide status update during the November meeting.

- **Safety Strategic Plan Report Card –**  
Assignment: Office of OSH to prepare draft agenda for future SSC meetings and forward to committee members for review and comment prior to the September meeting.

Discussion:

A draft agenda was provided to committee members on September 20<sup>th</sup> and was included in the e-mail that went out on September 23<sup>rd</sup>. NOTE – This assignment is now closed.

- **WC-OSH/MIS Safety Requirements/Discussion –**  
Assignment: Mr. Beatty to send draft recommendations from the Data Summit to Ms. Grubb to forward to committee members prior to the September meeting.

Discussion:

This will be deferred until the November 16<sup>th</sup> meeting.



## II. New Business

### ➤ **Proposed Agenda for future SSC meetings –**

Ms. Grubb stated that the proposed agenda was developed from the VA Safety Strategic Plan Report Card – final analysis and asked members if there were questions. There were no questions and committee members agreed to begin utilizing the Agenda in January 2011.

### ➤ **Designated Representatives to VA's Safety Steering Committee –**

VA Safety Strategic Plan, Objective 1.1, Strategy 1.1e states "Maintain designated members and an alternate to attend the SSC meeting from each Administration Head and the national Union President."

The Office of OSH initiated a request for designated members and alternates from the Administrations. Below, are the names that were provided:

VBA:      *Designated* – Beverly Young; *Alternate* - Sean Burns

NCA:      *Designated* – John Thios; *Alternate* - Khris Cooper

VCS:      *Designated*—Michael Rabdau); *Alternate* - Kimberly Lutz

**Assignment:** Ms. Grubb to send initial e-mail request to VHA and OI&T again per discussion at the meeting.

### Union Representatives:

AFGE:      *Designated* - William (B.J. Ocker); *Alternate* - Doris Randleman

NAGE:      *Designated* - Ronald Reynolds); *Alternate* - Kathy Fiery

NFFE:      *Designated* - Jeff Shapiro); *Alternate* - Robert Redding

UAN:      *Designated* - Cathy Billiter; *Alternate* - Colleen Murphy

SEIU:      *Designated* – LeRoy Bauer; *Alternate* - Elaine Gerace

### ➤ **FY 2011 Safety Training –**

Mr. Denny announced the planning and development stages of the safety conference/best practices courses for FY 2011 to meet the requirement under VA Safety Strategic Plan strategies Goal 3 – Develop and implement an effective safety and health training/education program.

The following information was requested to be forwarded to Office of OSH by October 15, 2010 to meet the agencies future POWER initiative goals to include:

- Identify the top 10 injuries for each Administration.



- Identify the top 10 Compliance (OSHA) violations per Administrations.
- Identify the top 10 deficiencies found during AWE inspections.
- Identify the top 10 critical safety and health site specific areas per Administration (i.e. NCA – trenching, hazard comm..., etc....).
- Identify the top 10 Compliance (OSHA) violations per Administrations.
- Union's feedback on the training needs identified to them through their union safety representatives.

Mr. Cleveland stated that specifically the Administration's needs are being requested to address these issues. For example, things that are not being seen such as hazard identification and abatements in hospitals, Mr. Cleveland stated.

Mr. Denny conveyed that each Administration can also report about good safety programs that have proven to be effective. Mr. Denny further stated that we need to find other ways, other than the Employee Safety Perception Survey, to communicate with employees about safety. Mr. Ocker inquired about the time period for responses for this survey. Ms. Grubb replied that the time period for responses for the survey is October 4<sup>th</sup> through October 25<sup>th</sup>.

Mr. Ocker stated that having his Union have access to the data would be very helpful in being able to assist with this as well as getting a list of AWEs that are conducted. Mr. Beatty conveyed to Mr. Ocker to give him the name of the facility where data is needed and he will provide this to him.

➤ **3<sup>rd</sup> Quarter Cumulative Totals – Injury/Illness Statistics –**

The 3<sup>rd</sup> quarter cumulative totals (Total and Lost Time Case Rate) data posted by OSHA on their website was provided to committee members via e-mail yesterday. Mr. Denny conveyed that he anticipates this is what we will see under POWER but more.

**III. General Discussion**

➤ **Report by Administration:**

- ❖ **NCA** – Mr. Thios addressed a concern of his in regards to VHA Handbook 7701.1. Mr. Thios stated that he does remember the draft directive and handbook being sent out previously but were rescinded due to it being the old version. Mr. Thios conveyed that he did see the directive which was sent back out but not the handbook. The handbook that was just published appears to be more specific in regards to VHA performing the AWEs for NCA and to a limited extent for VBA as well, Mr. Thios stated. VISN 23 and a VISN in Baltimore are requesting AWEs for Culpepper National Cemetery.

Mr. Thios stated that he will have to find a workable solution to get AWEs performed for NCA facilities to meet the CFR Part 1960 requirements and further stated that he 23 different memorandum of understanding (MOU) agreements for each individual VISN and NCA facility is not workable. Mr. Thios informed the committee that Mr.



Beatty has agreed temporarily to suspend the full enforcement of the handbook requirements until a better solution is found.

Mr. Thios inquired with Beverly Young, Facilities, Access and Administration (VBA), about how this would affect their Administration. Ms. Young replied that she has not had a chance to look at the handbook that Mr. Thios is referring to but stated that to her understanding annual reviews have been conducted by the VISNs and has been done this way for years. Mr. Beatty stated that this MOU has been discussed for some time now and stated that the intent was not to interfere with any cemeteries that are co-located or nearby or interfere with VBA conducting the AWEs. Mr. Beatty stated that guidance should be provided nationally to the field on the framework for this and will continue to support the Administrations. Mr. Thios stated that unfortunately two VISNs have pushed back in scheduling NCA's AWEs.

**Assignment:** Mr. Thios to provide Mr. Beatty with the name of such Networks for Mr. Beatty to contact and further discuss this.

Mr. Thios inquired with Mr. Cleveland about observations found during his Quantico, VA site visit. Mr. Cleveland replied he would provide this to him.

- ❖ **OI&T** – OI&T had no comments to provide.
- ❖ **VCS** – Michael Rabdau, VHA Washington Liaison Officer, VCS, reported that he will provide the test sites survey to senior leadership.
- ❖ **VBA** – Ms. Young reported that Directive 7700 is finalized and will be sent to Office of OSH shortly.
- ❖ **VHA** – VHA had no comments to provide.
- ❖ **VACO Safety** – Gerald Winston, Fire/Safety Officer, VACO, reported that Directive 7710 has been finalized and will be sent to the DASHO soon for review. The Directive will then be sent out for the department's concurrence soon, Mr. Winston further stated. This Directive will establish the VACO OSH program policy for the VACO campus.
- ❖ **Unions** – Ronald Reynolds, National Safety Representative, National Association of Government Employees (NAGE), inquired about the expectations of the TAG group for Violence Prevention that will be meeting in December and further inquired with the committee about possibly being aware of the employee-on-employee violence program. Mr. Beatty replied that he will have Vernon Wilkes, Industrial Hygienist, VHA, discuss this with Dr. Hodgson and then contact Mr. Reynolds regarding this.



IV. Adjournment/Next Meeting

- The next meeting is scheduled for November 16, 2010, in Conference Room 648.



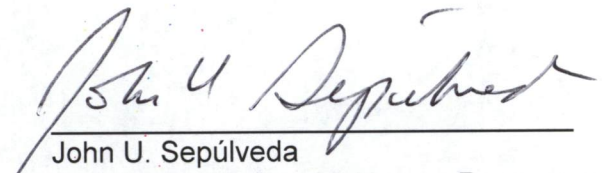
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Frank Denny  
Director, Occupational Safety and Health



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Catherine Biggs-Silvers  
Associate Deputy Assistant Secretary  
for Administration



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John U. Sepúlveda  
Assistant Secretary for Human Resources  
and Administration